

1 BRUCE W. WAGNER (73038)  
Attorney at Law  
2 1440 N. Harbor Blvd., Ste. 800  
Fullerton, CA 92835  
3 (714) 449-3338

ORIGINAL FILED

AUG 31 2005

4 Attorney for Plaintiff HORNG TECHNICAL ENTERPRISE CO., LTD.  
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SUPERIOR COURT OF THE STATE OF CALIFORNIA  
FOR THE COUNTY OF LOS ANGELES

HORNG TECHNICAL ENTERPRISE  
CO., LTD.,

Plaintiff,

vs.

SAKAR INTERNATIONAL, INC., and  
DOES 1 through 100,  
inclusive,

Defendants.

CASE NO.

KC046858

J

COMPLAINT FOR BREACH  
OF CONTRACT, COMMON  
COUNTS

CASE ASSIGNED FOR  
ALL PURPOSES TO  
JUDGE D. OKI  
DEPT. "J"

Preliminary Allegations

1. Plaintiff HORNG TECHNICAL ENTERPRISE CO., LTD. is, and at  
all times herein mentioned was, a corporation, organized and existing  
under the laws of Taiwan, with its principal place of business in  
Taipei, Taiwan.

2. Plaintiff is informed and believes, and thereon alleges,  
that defendant SAKAR INTERNATIONAL, INC. is, and at all times herein  
mentioned was, a corporation, organized and existing under the laws  
of New York, with its principal place of business in Edison, New  
Jersey.

1 3. Plaintiff is a manufacturer of computer accessories.

2 4. Defendant is a merchant engaged in the wholesaling of  
3 computer accessories.

4 5. The true names and capacities, whether individual,  
5 corporate, associate or otherwise, of defendants DOES 1 through 100,  
6 inclusive, are unknown to plaintiff who therefore sues these  
7 defendants by such fictitious names. Plaintiff will amend this  
8 complaint to show their true names and capacities when they are  
9 ascertained. Plaintiff is informed and believe and thereon alleges  
10 that each of the fictitious defendants is responsible in some manner  
11 for the wrongful acts described in this complaint.

12 6. Plaintiff is informed and believes and thereon alleges that  
13 at all times herein mentioned each of the defendants sued herein as  
14 DOES 1 through 100, inclusive, was the agent and employee of each of  
15 the remaining defendants and was at all times acting within the  
16 purpose and scope of such agency and employment.

17 7. Plaintiff is informed and believes, and upon such  
18 information and belief alleges, that at all times herein mentioned,  
19 defendants, and each of them, were the agents, servants, employees,  
20 independent contractors and/or joint venturers of their co-  
21 defendants, and were as such, acting within the course, scope,  
22 purpose and authority of said agency, employment and/or joint  
23 venture; that each and every defendant, in doing the things alleged  
24 herein, was the actual, apparent, implied or ostensible agent of the  
25 remaining defendants and acting within the course and scope of said  
26 agency and/or employment; and, that each and every defendant, as  
27 aforesaid, when acting as a principal, was negligent in the  
28 selection, supervision, hiring and/or continued employment of each

1 and every other defendant as an agent, employee and/or joint  
2 venturer, and/or that said defendants approved, supported,  
3 participated in, authorized and/or ratified the acts and/or omissions  
4 of said employees, agents, servants and/or joint venturers.

5 FIRST CAUSE OF ACTION  
6 For Breach of Contract  
7 By Plaintiff HORNG TECHNICAL ENTERPRISE CO., LTD. Against Defendant  
8 SAKAR INTERNATIONAL, INC., and Does 1 through 100, inclusive.

9 8. Plaintiff hereby refers to and incorporates herein by this  
10 reference, each and every allegation contained in Paragraphs 1  
11 through 7, inclusive, of the Preliminary Allegations, to the same  
12 effect as if fully and completely set forth at this point.

13 9. On or about September 2004 through November 2004, at the  
14 special instance and request of defendant, and in consideration of  
15 defendant's promise to pay the purchase price, plaintiff shipped and  
16 delivered computer accessories to defendant.

17 10. Except for those obligations that plaintiff was prevented  
18 or excused from performing, plaintiff has fully and in all things  
19 performed its part of the agreement described in Paragraph 9 in that  
20 plaintiff delivered the computer accessories to defendant in the time  
21 and manner and at the place required by the agreement.

22 11. In violation of its promises and obligations under the  
23 agreement described in Paragraph 9, defendant wrongfully failed and  
24 refused to make the payment due for the computer accessories.

25 12. As a result of defendant's breach of contract, plaintiff  
26 has been damaged in the sum of \$940,609.83 plus interest according  
27 to proof.

28 13. As a further direct result of defendant's breach of  
contract, plaintiff was caused to incur commercially reasonable

1 charges, expenses, and commissions in an amount to be proved at  
2 trial.

3 SECOND CAUSE OF ACTION  
4 For Open Book Account  
5 By Plaintiff HORNG TECHNICAL ENTERPRISE CO., LTD. Against Defendant  
6 SAKAR INTERNATIONAL, INC., and Does 1 through 100, inclusive.

7 14. Plaintiff hereby refers to and incorporates herein by this  
8 reference, each and every allegation contained in Paragraphs 1  
9 through 7, inclusive, of the Preliminary Allegations, to the same  
10 effect as if fully and completely set forth at this point.

11 15. Within the last four years there existed an open book  
12 account between plaintiff and defendants upon which there is a  
13 balance due in the amount of \$940,609.83.

14 16. No part of this sum has been paid, and there is now due,  
15 owing, and unpaid from defendants to plaintiff the sum of \$940,609.83  
16 plus interest according to proof.

17 THIRD CAUSE OF ACTION  
18 For Account Stated  
19 By Plaintiff HORNG TECHNICAL ENTERPRISE CO., LTD. Against Defendant  
20 SAKAR INTERNATIONAL, INC., and Does 1 through 100, inclusive.

21 17. Plaintiff hereby refers to and incorporates herein by this  
22 reference, each and every allegation contained in Paragraphs 1  
23 through 7, inclusive, of the Preliminary Allegations, to the same  
24 effect as if fully and completely set forth at this point.

25 18. Within the last four years, an account was stated in  
26 writing by and between plaintiff and defendant by which it was agreed  
27 that defendant was indebted to plaintiff in the sum of \$940,609.83.

28 19. No part of that sum has been paid, and there is now due,  
owing, and unpaid from defendant to plaintiff the sum of \$940,609.83  
plus interest according to proof.

FOURTH CAUSE OF ACTION

For Goods Sold and Delivered at Agreed Price  
By Plaintiff HORNG TECHNICAL ENTERPRISE CO., LTD. Against Defendant  
SAKAR INTERNATIONAL, INC., and Does 1 through 100, inclusive.

20. Plaintiff hereby refers to and incorporates herein by this reference, each and every allegation contained in Paragraphs 1 through 7, inclusive, of the Preliminary Allegations, to the same effect as if fully and completely set forth at this point.

21. Within the last two years, defendants became indebted to plaintiff in the sum of \$940,609.83 for goods, wares, and merchandise sold and delivered to defendants.

22. Neither the whole nor any part of this sum has been paid, although demand therefore has been made, and there is now due, owing, and unpaid from defendants to plaintiff the sum of \$940,609.83 plus interest according to proof.

FIFTH CAUSE OF ACTION

For Reasonable Value of Goods Sold and Delivered  
By Plaintiff HORNG TECHNICAL ENTERPRISE CO., LTD. Against Defendant  
SAKAR INTERNATIONAL, INC., and Does 1 through 100, inclusive.

23. Plaintiff hereby refers to and incorporates herein by this reference, each and every allegation contained in Paragraphs 1 through 7, inclusive, of the Preliminary Allegations, to the same effect as if fully and completely set forth at this point.

24. Within the last two years, at Los Angeles, California, plaintiff sold and delivered certain goods at the special request of defendant; and defendant agreed to pay plaintiff the reasonable value of those goods.

25. Plaintiff has repeatedly demanded payment from defendant. The last demand was made on August 11, 2005.

26. At the time of the sale and delivery, the fair and

1 reasonable value of the goods was at least \$940,609.83.

2 27. No payment has been made by defendant to plaintiff, and  
3 there is now owing the sum of \$940,609.83, plus interest according  
4 to proof.

5 WHEREFORE, plaintiff prays judgment as follows:

6 FIRST CAUSE OF ACTION

- 7 1. For compensatory damages in the sum of \$940,609.83;  
8 2. For interest thereon according to proof;  
9 3. For incidental damages according to proof;

10 SECOND CAUSE OF ACTION

- 11 4. For the sum of \$940,609.83;  
12 5. For interest thereon according to proof;  
13 6. For incidental damages according to proof;

14 THIRD CAUSE OF ACTION

- 15 7. For the sum of \$940,609.83;  
16 8. For interest thereon according to proof;  
17 9. For incidental damages according to proof;

18 FOURTH CAUSE OF ACTION

- 19 10. For the sum of \$940,609.83;  
20 11. For interest thereon according to proof;  
21 12. For incidental damages according to proof;

22 FIFTH CAUSE OF ACTION


- 23 13. For compensatory damages in the sum of \$940,609.83;  
24 14. For interest thereon according to proof;  
25 15. For incidental damages according to proof;

26 ALL CAUSES OF ACTION

- 27 16. For attorneys fees according to proof;  
28 17. For all costs of this suit; and

1 18. For any other and further relief as the Court may deem  
2 proper.

3 Dated: August 30, 2005

4   
5 BRUCE W. WAGNER  
6 Attorney for Plaintiff  
7 HORNG TECHNICAL ENTERPRISE CO.,  
8 LTD.  
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NOTICE SENT TO:

Wagner, Bruce W., Esq.  
1440 N. Harbor Blvd., Suite 800  
Fullerton CA 92850

FILE STAMP

**SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES**

HORNG TECHNICAL ENTERPROSE CO.,  
Plaintiff(s),

VS.

SAKAR INTERNATIONAL, INC  
Defendant(s).

CASE NUMBER

KC046858

**NOTICE OF CASE  
MANAGEMENT CONFERENCE**

**TO THE PLAINTIFF(S)/ATTORNEY(S) FOR PLAINTIFF(S) OF RECORD:**

You are ordered to serve this notice of hearing on all parties/attorneys of record forthwith, and meet and confer with all parties/attorneys of record about the matters to be discussed no later than 30 days before the Case Management Conference.

Your Case Management Conference has been scheduled for January 19, 2006 at 8:30 am in Dept. EAJ at 400 Civic Center Plaza, Pomona, California, 91766.

Pursuant to CRC 212, a completed Case Management Statement (Judicial Council form # CM-110) must be filed at least 15 calendar days prior to the Case Management Conference. The Case Management Statement may be filed jointly by all parties/attorneys of record or individually by each party/attorney of record. You must be familiar with the case and be fully prepared to participate effectively in the Case Management Conference.

At the Case Management Conference, the Court may make pretrial orders including the following, but not limited to, an order establishing a discovery schedule; an order referring the case to Alternative Dispute Resolution (ADR); an order reclassifying the case; an order dismissing fictitious/unnamed defendants; an order setting subsequent conference and the trial date; or other orders to achieve the goals of the Trial Court Delay Reduction Act (GC 68600 et seq.)

Notice is hereby given that if you do not file the Case Management Statement or appear and effectively participate at the Case Management Conference, the Court may impose sanctions pursuant to LASC Local Rule 7.13, CCP Sections 177.5, 575.2, 583.150, 583.360 and 583.410, GC Section 68608 (b), and CRC 200 et seq.

Date: September 2, 2005

*San J. Chi.*  
Judicial Officer

**CERTIFICATE OF SERVICE**

I, the below named Executive Officer/Clerk or the above-entitled court, do hereby certify that I am not a party to the case herein, and that on this date I served the Notice of Case Management Conference upon each party or counsel named above:

[ ] by depositing in the United States mail at the courthouse in Pomona, California, one copy of the original filed herein in a separate sealed envelope to each address as shown above with postage thereon fully prepaid.

[ ] by personally giving the party notice upon filing the complaint.

Date: September 2, 2005

John A. Clarke, Executive Officer/Clerk

by *[Signature]* Deputy Clerk

CIV 132 10-03 LASC Approved

//



**FILED**  
LOS ANGELES SUPERIOR COURT

SEP 18 2005

JOHN A. CLARKE, CLERK  
BY L. MARGORRO, DEPUTY

1 BRUCE W. WAGNER (73038)  
2 Attorney at Law  
3 1440 N. Harbor Blvd., Ste. 800  
4 Fullerton, CA 92838  
5 (714) 449-3338

6 Attorney for Plaintiff HORNG TECHNICAL ENTERPRISE CO., LTD.

7  
8 SUPERIOR COURT OF THE STATE OF CALIFORNIA  
9 FOR THE COUNTY OF LOS ANGELES

10  
11 HORNG TECHNICAL ENTERPRISE )  
12 CO., LTD., )  
13 Plaintiff, )  
14 vs. )  
15 SAKAR INTERNATIONAL, INC., and )  
16 DOES 1 through 100, )  
17 inclusive, )  
18 Defendants. )

CASE NO. KC046858 J  
ASSIGNED FOR ALL PURPOSES TO:  
JUDGE DAN T. OKI  
DEPT: J  
PROOF OF SERVICE  
Action Filed: 8/31/05  
CMC : 1/19/06  
Trial Date : n/a

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PROOF OF SERVICE

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PROOF OF SERVICE BY MAIL

State of California, County of Orange

I am employed in the county of Orange, State of California. I am over the age of eighteen (18) and not a party to the within action; my business address is 1440 N. Harbor Blvd., Suite 800, Fullerton, CA 92835.

On September 12, 2005, I served the foregoing document(s) described as NOTICE OF CASE MANAGEMENT CONFERENCE on the interested parties in this action by placing for collection and deposit in the United States mail a true copy thereof enclosed in a sealed envelope with postage thereon fully prepaid at 1440 N. Harbor Blvd., Suite 800, Fullerton, California 92835, addressed as follows:

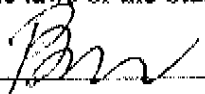
Sakar International, Inc.  
195 Carter Drive  
Edison, New Jersey 08817

Attn: Allan Amsel  
Vice President

I am readily familiar with my firm's practice for the collection and the processing of correspondence for mailing with the United States Postal Service. In the ordinary course of business, correspondence would be deposited with the United States Postal Service that same day. I placed true copies of the above-entitled document in envelopes addressed as shown below and sealed and placed them for collection and mailing on the date stated below, following ordinary business practices. Note: Service made pursuant to this paragraph will, on motion of the party served, be presumed invalid if the postal cancellation or meter date is more than one day after the date of deposit for mailing stated in this declaration. (CCP section 1013a, subd. (3).)

[x] Executed on September 12, 2005, at Fullerton, California.

[x] I declare under penalty of perjury under the laws of the State of California that the above is true and correct.

  
\_\_\_\_\_

PROOF OF SERVICE BY MAIL

**FILED**  
LOS ANGELES SUPERIOR COURT  
SEP 13 2005  
JOHN A. CLARKE, CLERK  
BY L. MASCOCCO, DEPUTY

BRUCE W. WAGNER (73038)  
Attorney at Law  
1440 N. Harbor Blvd., Ste. 800  
Fullerton, CA 92835  
(714) 449-3338

Attorney for Plaintiff HORNG TECHNICAL ENTERPRISE CO., LTD.

SUPERIOR COURT OF THE STATE OF CALIFORNIA  
FOR THE COUNTY OF LOS ANGELES

HORNG TECHNICAL ENTERPRISE  
CO., LTD.,

Plaintiff,

vs.

SAKAR INTERNATIONAL, INC., and  
DOES 1 through 100,  
inclusive,

Defendants.

CASE NO. KC046858 J

ASSIGNED FOR ALL PURPOSES TO:  
JUDGE DAN T. OKI  
DEPT: J

NOTICE OF UNAVAILABILITY  
OF COUNSEL

Action Filed: 8/31/05  
CMC : 1/19/06  
Trial Date : n/a

TO DEFENDANT IN THIS ACTION:

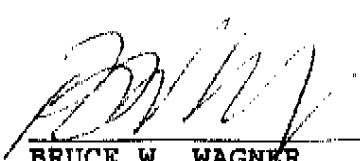
PLEASE TAKE NOTICE that BRUCE W. WAGNER, attorney of record for plaintiff HORNG TECHNICAL ENTERPRISE CO., LTD., will be unavailable to all parties, and to counsel, for the period October 14, 2005, through October 28, 2005, due to surgery scheduled for October 14, 2005, and the two (2) week period thereafter required for recuperation.

Purposefully scheduling a conflicting proceeding without good cause is sanctionable conduct. Tenderloin Housing Clinic v. Sparks (1992) 9 CA4th 299, 304-305.

NOTICE OF UNAVAILABILITY OF COUNSEL

14

1 Dated: September 12, 2005

2   
3 BRUCE W. WAGNER  
4 Attorney for Plaintiff  
5 HORNG TECHNICAL ENTERPRISE CO.,  
6 LTD.  
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PROOF OF SERVICE BY MAIL

State of California, County of Orange

I am employed in the county of Orange, State of California. I am over the age of eighteen (18) and not a party to the within action; my business address is 1440 N. Harbor Blvd., Suite 800, Fullerton, CA 92835.

On September 12, 2005, I served the foregoing document(s) described as NOTICE OF UNAVAILABILITY OF COUNSEL on the interested parties in this action by placing for collection and deposit in the United States mail a true copy thereof enclosed in a sealed envelope with postage thereon fully prepaid at 1440 N. Harbor Blvd., Suite 800, Fullerton, California 92835, addressed as follows:

Sakar International, Inc.  
195 Carter Drive  
Edison, New Jersey 08817

Attn: Allan Amsel  
Vice President

I am readily familiar with my firm's practice for the collection and the processing of correspondence for mailing with the United States Postal Service. In the ordinary course of business, correspondence would be deposited with the United States Postal Service that same day. I placed true copies of the above-entitled document in envelopes addressed as shown below and sealed and placed them for collection and mailing on the date stated below, following ordinary business practices. Note: Service made pursuant to this paragraph will, on motion of the party served, be presumed invalid if the postal cancellation or meter date is more than one day after the date of deposit for mailing stated in this declaration. (CCP section 1013a, subd. (3).)

[x] Executed on September 12, 2005, at Fullerton, California.

[x] I declare under penalty of perjury under the laws of the State of California that the above is true and correct.

  
\_\_\_\_\_

---

PROOF OF SERVICE BY MAIL

16

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State / ber, and address): <b>BRUCE W. WAGNER, ESQ.</b> <b>1440 N. Harbor Blvd., Suite 800</b> <b>Fullerton, California 92835</b> TELEPHONE NO.: (714) 449-3338 FAX NO. (Optional): (714) 449-0468 E-MAIL ADDRESS (Optional): brucewwagner@aol.com ATTORNEY FOR (Name): Plaintiff		73038 <b>FILED</b> LOS ANGELES SUPERIOR COURT SEP 13 2005 JOHN A. CLARKE, CLERK BY L. MACCORNO, DEPUTY
<b>SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES</b> STREET ADDRESS: 400 Civic Center Plaza MAILING ADDRESS: CITY AND ZIP CODE: Pomona, California 91766 BRANCH NAME: EAST DISTRICT, POMONA COURTHOUSE SOUTH		
PLAINTIFF/PETITIONER: <b>HORNG TECHNICAL ENTERPRISE CO., LTD.</b> DEFENDANT/RESPONDENT: <b>SAKAR INTERNATIONAL, INC.</b>		CASE NUMBER: K2046858 J
<b>PROOF OF SERVICE OF SUMMONS</b>		Ref. No. or File No.:

(Separate proof of service is required for each party served.)

- At the time of service I was at least 18 years of age and not a party to this action.
  - I served copies of:
    - ☒ summons
    - ☒ complaint
    - ☒ Alternative Dispute Resolution (ADR) package
    - ☐ Civil Case Cover Sheet (served in complex cases only)
    - ☐ cross-complaint
    - ☐ other (specify documents):
  - Party served (specify name of party as shown on documents served):  
**SAKAR INTERNATIONAL, INC.**
    - Person served: ☐ party in item 3a ☒ other (specify name and relationship to the party named in item 3a):  
**Allan Amsel, Vice President of Sakar International, Inc.**
  - Address where the party was served:  
**195 Carter Drive**  
**Edison, New Jersey 08817**
  - I served the party (check proper box)
    - ☐ by personal service. I personally delivered the documents listed in item 2 to the party or person authorized to receive service of process for the party (1) on (date): (2) at (time):
    - ☐ by substituted service. On (date): at (time): I left the documents listed in item 2 with or in the presence of (name and title or relationship to person indicated in item 3b):
- ☐ (business) a person at least 18 years of age apparently in charge at the office or usual place of business of the person to be served. I informed him or her of the general nature of the papers.
  - ☐ (home) a competent member of the household (at least 18 years of age) at the dwelling house or usual place of abode of the party. I informed him or her of the general nature of the papers.
  - ☐ (physical address unknown) a person at least 18 years of age apparently in charge at the usual mailing address of the person to be served, other than a United States Postal Service post office box. I informed him or her of the general nature of the papers.
  - ☐ I thereafter mailed (by first-class, postage prepaid) copies of the documents to the person to be served at the place where the copies were left (Code Civ. Proc., § 415.20). I mailed the documents on (date): from (city): or ☐ a declaration of mailing is attached.
  - ☐ I attach a declaration of diligence stating actions taken first to attempt personal service.

Page 1 of 2



Home | Help

Track &amp; Confirm

## Track & Confirm

### Search Results

Label/Receipt Number: 7005 0390 0003 2182 3863

Detailed Results:

- Delivered, September 07, 2005, 10:30 am, EDISON, NJ 08817
- Acceptance, September 01, 2005, 3:12 pm, FULLERTON, CA 92835

[Back](#)[Return to USPS.com Home >](#)

Track &amp; Confirm

Enter Label/Receipt Number.

### Notification Options

#### Track & Confirm by email

Get current event information or updates for your item sent to you or others by email. [Go >](#)
**POSTAL INSPECTORS**  
Preserving the Trust
[Site Map](#)
[Contact Us](#) [Government Services](#) [Jobs](#) [National & Premier Accounts](#)  
Copyright © 1999-2004 USPS. All Rights Reserved. [Terms of Use](#) [Privacy Policy](#)

#### SENDER: COMPLETE THIS SECTION

- Complete Items 1, 2, and 3. Also complete Item 4 if Restricted Delivery is checked.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

##### 1. Article Addressed to:

Allan Amiel, Vice Pres.  
Sakar International  
195 Carter Drive  
Edison, New Jersey  
08817

##### 2. Article Number (Transfer from service tag)

PS Form 3811, February 2004

#### COMPLETE THIS SECTION ON DELIVERY

Signature

☐ Agent☐ Addressee

B. Received by (Printed Name)

C. Date of Delivery

D. Is delivery address different from Item 1?

☐ Yes

If YES, enter delivery address below:

☐ No

##### 3. Service Type

☒ Certified Mail☐ Express Mail☐ Registered☐ Return Receipt for Merchandise☐ Insured Mail☐ C.O.D.

##### 4. Restricted Delivery? (Extra Fee)

☐ Yes

7005 0390 0003 2182 3863

Domestic Return Receipt

102695-03-M-1840

18

1                   **PROOF OF SERVICE BY MAIL AND FACSIMILE**

2           I, Tracie Windom, declare under penalty of perjury that the following facts are  
3 true and correct:

4           I am a citizen of the United States, over the age of 18 years, and not a party to  
5 this action, and my business address is 801 South Flower Street, Fifth Floor, Los  
6 Angeles, CA 90017.

7           On October 7, 2005, I served the following document(s):

8                   **DEFENDANT SAKAR INTERNATIONAL, INC.'S NOTICE OF**  
9                   **REMOVAL OF ACTION UNDER 28 U.S.C. § 1441(A) [DIVERSITY]**

10          The document(s) were placed in an envelope and served via regular U.S. mail to the  
11 person(s) and at the address(es) which follow. The document(s) were also transmitted  
12 by facsimile to the numbers that follow:

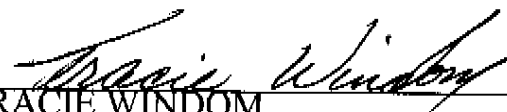
13          Bruce W. Wagner, Esq.  
14          **ATTORNEY AT LAW**  
15          1440 N. Harbor Blvd.  
16          Suite 800  
17          Fullerton, California 92835

18          Fax 714-449-0468

19          Attorney for Plaintiff  
20          Hornig Technical Enterprise Co., Ltd.

21          I am readily familiar with the business practice of Sandler, Travis & Rosenberg  
22 and Glad & Ferguson, P.C. for collection and processing of correspondence for mailing  
23 with the United States Postal Service. In accordance with that practice, the  
24 correspondence would be placed in a sealed envelope, with postage fully prepaid, and  
25 deposited with the United States Postal Service that same day in the ordinary course of  
26 business.

27          I declare under penalty of perjury under the laws of the United States that the  
28 foregoing is true and correct and that this proof of service was executed on October 7  
2005 at Los Angeles, California.

  
TRACIE WINDOM



SUMMONS  
(CITACION JUDICIAL)

NOTICE TO DEFENDANT:  
(AVISO AL DEMANDADO):

SAKAR INTERNATIONAL, INC., and  
DOES 1 through 100,  
inclusive

YOU ARE BEING SUED BY PLAINTIFF:  
(LO ESTA DEMANDANDO EL DEMANDANTE):  
HORNG TECHNICAL ENTERPRISE CO., LTD.

CASE ASSIGNED FOR  
ALL PURPOSES TO  
JUDGE D. OKI  
DEPT. "J"

FOR COURT USE ONLY  
(SOLO PARA USO DE LA CORTE)

Rumay  
Due  
Oct 11, 2005

SUM-100

You have 30 CALENDAR DAYS after this summons and legal papers are served on you to file a written response at this court and have a copy served on the plaintiff. A letter or phone call will not protect you. Your written response must be in proper legal form if you want the court to hear your case. There may be a court form that you can use for your response. You can find these court forms and more information at the California Courts Online Self-Help Center ([www.courtinfo.ca.gov/selfhelp](http://www.courtinfo.ca.gov/selfhelp)), your county law library, or the courthouse nearest you. If you cannot pay the filing fee, ask the court clerk for a fee waiver form. If you do not file your response on time, you may lose the case by default, and your wages, money, and property may be taken without further warning from the court.

There are other legal requirements. You may want to call an attorney right away. If you do not know an attorney, you may want to call an attorney referral service. If you cannot afford an attorney, you may be eligible for free legal services from a nonprofit legal services program. You can locate these nonprofit groups at the California Legal Services Web site ([www.lawhelpcalifornia.org](http://www.lawhelpcalifornia.org)), the California Courts Online Self-Help Center ([www.courtinfo.ca.gov/selfhelp](http://www.courtinfo.ca.gov/selfhelp)), or by contacting your local court or county bar association.

Tiene 30 DIAS DE CALENDARIO después de que le entreguen esta citación y papeles legales para presentar una respuesta por escrito en esta corte y hacer que se entregue una copia al demandante. Una carta o una llamada telefónica no lo protegen. Su respuesta por escrito tiene que estar en formato legal correcto si desea que procesen su caso en la corte. Es posible que haya un formulario que usted pueda usar para su respuesta. Puede encontrar estos formularios de la corte y más información en el Centro de Ayuda de las Cortes de California ([www.courtinfo.ca.gov/selfhelp/espanol/](http://www.courtinfo.ca.gov/selfhelp/espanol/)), en la biblioteca de leyes de su condado o en la corte que le quede más cerca. Si no puede pagar la cuota de presentación, pida al secretario de la corte que le dé un formulario de exención de pago de cuotas. Si no presenta su respuesta a tiempo, puede perder el caso por incumplimiento y la corte le podrá quitar su sueldo, dinero y bienes sin más advertencia.

Hay otras requisitos legales. Es recomendable que llame a un abogado inmediatamente. Si no conoce a un abogado, puede llamar a un servicio de remisión a abogados. Si no puede pagar a un abogado, es posible que cumpla con los requisitos para obtener servicios legales gratuitos de un programa de servicios legales sin fines de lucro. Puede encontrar estos grupos en el sitio web de California Legal Services ([www.lawhelpcalifornia.org](http://www.lawhelpcalifornia.org)), en el Centro de Ayuda de las Cortes de California, ([www.courtinfo.ca.gov/selfhelp/espanol/](http://www.courtinfo.ca.gov/selfhelp/espanol/)) o poniéndose en contacto con la corte o el colegio de abogados locales.

The name and address of the court is:  
(El nombre y dirección de la corte es):

LOS ANGELES COUNTY SUPERIOR COURT  
EAST DISTRICT, POMONA COURTHOUSE SOUTH  
400 Civic Center Plaza

Pomona, California 91766

The name, address, and telephone number of plaintiff's attorney, or plaintiff without an attorney, is:

(El nombre, la dirección y el número de teléfono del abogado del demandante, o del demandante que no tiene abogado, es):

BRUCE W. WAGNER, ESQ. (SEN 73038)

Fullerton, California 92835

1440 N. Harbor Blvd., Suite 800

(714) 449-3338

DATE:

AUG 31 2005

JOHN A. CLARKE  
Clerk, by  
(Secretario)

L. MASCORRO

Deputy  
(Adjunto)

CASE NUMBER:  
(Número del Caso):

KC046858

(For proof of service of this summons, use Proof of Service of Summons (form POS-010).)

(Para prueba de entrega de esta citación use el formulario Proof of Service of Summons, (POS-010)).

(SEAL)

NOTICE TO THE PERSON SERVED: You are served

1. ☐ as an individual defendant.  
2. ☐ as the person sued under the fictitious name of (specify):

3. ☐ on behalf of (specify):  
under: ☐ CCP 416.10 (corporation)  
☐ CCP 416.20 (defunct corporation)  
☐ CCP 416.40 (association or partnership)  
☐ other (specify):

- ☐ CCP 416.60 (minor)  
☐ CCP 416.70 (conservatee)  
☐ CCP 416.90 (authorized person)

4. ☐ by personal delivery on (date):

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